[XXXVth YEAR.] THE [No. 1737.]

MARYLAND GAZETTE.

FRIDAY, APRIL 28, 1780.

the PEOPLE of MARYLAND.

NUMBER V.

I HAVE very briefly, and imperfectly commented on moſt of the principal penal laws which can affect a white perſon; in this paper I ſhall deſcend from the dignity of complexion, and take ſome notice of the ordinances framed only againſt thoſe, whoſe misfortune it is to be black.

Let that is tempted to exult in the excellence our conſtitution ſhould reflect, that ſlavery is portion of one third of its ſubjects; I am far enough gone in the quixotiſm of power, to attempt the ſetting them at liberty; every heart, that is not dead to the ſocial tings, would join with me in protecting them ſome few of the rights of nature.

Can the want of education, or the having "no prehenſion of future rewards and puniſhments," enhance the guilt of an action? or can e circumſtances, render the bare attempt by negro as criminal as the actual perpetration by white man? If they do, an equal ſhare of guilt ſt be imputed to his maſter, whoſe duty uld oblige him to inſtruct his ſlaves in the ding principles of morality and religion.

The humane reader would be ſhocked, by uſing the acts of 1729, ch. 4, and 1751, ch.

As our anceſtors were inſpired by ſentiments like theſe, it is amazing that the penalty killing a negro was not commuted for a genfine, and a ſatisfaction to the owner.

The puniſhment of whites and blacks, for the e offence, I contend ſhould, if poſſible, be al, though good reaſons might be adduced for ating the former with greater ſeverity. The ligation upon a ſlave to repair a depredation labour, would, I confeſs, be a puniſhment to his maſter; branding, ſlitting, cropping, have a conſiderable effect by way of example; , inſtead of inſpiring the offender with a reation of amendment, they harden him for the petration of the moſt atrocious crimes. If re is an inſuperable difficulty in the caſe, if gordian knot muſt be cut, the guilt of blood ſt lie principally at their doors, who introced the ſtate of ſlavery, with all its concomiit horrors.

In looking over the acts of aſſembly, I find no for reſtraining a maſter, that would tranſ the bounds of a moderate correction, by hing and torturing his ſlaves. Does not the ce of reaſon and nature call upon us to preit theſe inhuman practices? The act of 1715, 44, ſect. 21, which relates to maſter and ſervant, ſhould have been extended to maſter and gro; and, if faithfully executed by the courts, would, in a great meaſure, have ſhielded theſe happy creatures from oppreſſion. A tyrannical overſeer will pretend, that, without a ſtrict nd, his negroes cannot be kept in obedience; t it is notorious, that the mildeſt maſter has nerally the beſt governed ſlaves.

Almoſt all our penal acts of aſſembly place incipals and acceſſories on the ſame footing; d the general rule of the common law is, that y ſhall ſuffer the ſame puniſhment. The rule certainly juſt, with reſpect to acceſſories before e fact, between whom, and acceſſories after e fact, there is a moſt material difference. It the weakneſs of compaſſion, an almoſt amiable ility of human nature, which induces a perſon o knows a felony to have been committed, to ceive, relieve, comfort, or aſſiſt, the felon. undoubtedly offends againſt public juſtice, the greateſt puniſhment he deſerves is a diſcretionary fine and impriſonment.

In treating of penal law, it may not be improper to conſider the equity of ſubjecting the body of a debtor to execution.

Whether the man who is unhappy enough to owe beyond his ability to pay, was viewed by the patient legiſlators of England in the light of a criminal, I cannot determine. This part of the law is evidently contrived to favour the rich, without the leaſt conſideration for the poor.

I was told by an ingenious Daſhkoman, that, ſoon after his arrival at New-York, he was ſtruck with an inconceivable horror, upon ſeeing a debtor carried to priſon; but was apprehenſive that he had got among a people totally void of humanity. In Germany and Holland there is no execution of the body for debt. The conſequence is, that every prudent man conſiders, how far the perſon who applies for credit is entitled to it by his circumſtances; and the folly of a creditor there would at leaſt equal that of his debtor.

In the times of *reputable* commerce, an abolition of this part of the law would have effectually prevented long, and precarious credit, which always blunts the edge of the debtor's induſtry, and is extremely detrimental to trade, by obliging the merchant to fail in his remittances, or to exact an higher advance from thoſe who are punctual in payment. If it had been a ſubject of diſcuſſion, at the time of entering into the general compact, the framers of a government, "inſtituted ſolely for the good of the whole," would never have permitted the exiſtence of a law, which confers no benefit on the creditor, which deprives the community of the ſervice of its ſubjects, diſtreſſes families, and infringes the deareſt right of nature.

Under the former conſtitution, it was uſual for the legiſlature, upon the petition of an honeſt debtor, to grant relief; that is, they obliged him to give up his eſtate, and, if a ſingle man, to enter into bondage for five years. Of the great numbers who accepted relief upon ſuch rigorous terms, one half perhaps had been reduced by the imprudence of youth, or the impoſing arts of deſigning men.

Before the diſſolution of that government, more liberal and humane ſentiments began to prevail; their laſt act was "for the relief of inſolvent debtors." I wiſh, the relief provided by that law were as general as the title. It is confined to caſes where the whole debts amount not to £. 200 ſter. Without the interpoſition of the aſſembly, the law will expire at the end of this ſeſſion. If it is continued, I beg leave to propoſe the following amendment: from the word, "aforeſaid," in the 25th line of the firſt ſection of the printed law, ſtrike out to the word "ſuch," in the 30th line of the ſame ſection.

There is one part of the penal law, which it would be an inſult upon common ſenſe to attempt to defend. A man is committed upon ſuſpicion, and, for want of bail, he ſubmits, for ſeveral months, to the loſs of liberty; he wants many of the neceſſaries of life, and is expoſed to the mercileſs treatment of a brutal gaoler. He is brought forth to undergo the diſgrace, and terrors of a proſecution; and, at length is acquitted, by the verdict of an impartial jury; but he muſt not be diſmiſſed, before a ſatisfaction for fees, and his property being inſufficient, he muſt diſcharge them by ſervitude.

There is another moſt intolerable grievance. A man, who was never ſuſpected of infringing the law, has the misfortune to know ſomething relative to a criminal tranſaction; a juſtice of the peace may demand ſureties for his appearance at court, and if he is unable to find them, may commit him. To remedy this evil, and to prevent a defect in juſtice, I propoſe, that the witneſs ſhall, alone enter into a recognizance, and, if the magiſtrate has reaſon to apprehend his ſudden death, or removal, let him take his depoſition, in preſence of the party accuſed, to be made uſe of at the trial in caſe the witneſs cannot, at that time, be procured.

It was the opinion of a judge, who was an ornament to his profeſſion, that "it were better that ninety-nine criminals ſhould eſcape, than one innocent man ſhould ſuffer." Here an innocent perſon unavoidably ſuffers, that a criminal may not have the remote chance of eſcaping. The relief, given by the act of 1732, ch. 13, is little better than a mockery. It muſt therefore be imputed to an unpardonable inattention in the legiſlature, under the former government, who had nothing to do but amend the law, that the two evils, I laſt mentioned, have ſo long exiſted.

I here cloſe my remarks. The reader, who has peruſed them with candour and attention, will accept my unfeigned thanks. The love of truth, and the nature of my undertaking, required, that I ſhould deliver my opinions with confidence: however, I have ſuppreſſed many obſervations, which might poſſibly admit of an ill-natured application; it never was my intention to offend; reſentment and revenge were never harboured in my breaſt; they are ſenſations, I always endeavour to be free from; but, if at any time, I ſhould be inclined to follow their ſuggeſtions, I ſhall adopt a more manly method, than that of injuring a character by dark hints and ſubtile alluſions; I thank God that I am little verſed in the ſneaking myſtery of intriguing politics.

On the various ſubjects I have touched, I cannot pretend to have advanced many new things; they have, notwithſtanding employed, for a long time, the moſt intenſe meditation; I would not hazard a propoſal to the public, before I had carefully examined all its conſequences, and viewed it in every light. Perhaps the ſelf-love, which is natural to every man, will not permit me to feel the full force of the objections, which may be urged againſt every one of my propoſitions.

If vanity had any ſhare in prompting me to the undertaking, this ſingle reflection might humble me to the duſt. If the virtuous Sir Thomas More, the immortal Monteſquieu, the amiable Beccaria, the ingenious Blackſtone, have all ſubmitted to the mortification of ſeeing their benevolent ſchemes, for the reformation of penal law, at once admired and neglected, the mildeſt fate I can expect is a total diſregard; however, I ſhall enjoy one conſolation in common with theſe illuſtrious perſons, I have done my duty, and laboured for the general good.

A REPUBLICAN.

For the MARYLAND GAZETTE.

THE honourable the ſenate, having rejected the bill propoſed by the houſe of delegates, for the confiſcation of Britiſh property, originated and ſent to the houſe of delegates a bill of which the incloſed is a full abſtract. I doubt not it will attract the attention of the public, as the object of it is evidently to preſerve the property of our enemies. It was rejected by the delegates without any debate, five members voting for it.

CRITO.

ABSTRACT of the ACT for the *ſecurity* of the ſtate and the ſubjects thereof, and for other purpoſes.

PREAMBLE.

KING and parliament of Great-Britain proſecute a cruel and unjuſt war, upon pretence of rebellion.

This ſtate and ſubjects thereof have conſiderable property in Great-Britain.

Sundry *perſons*, in Great-Britain, claim property, or conſiderable value, within this ſtate, and it is right and proper that every *reaſonable* ſecurity for the claims of *this ſtate*, and the ſubjects thereof, be taken and retained, and alſo that the *ſubjects of and reſidents* in Great-Britain (who claim property in this ſtate) make their *election*, within a reaſonable time, after notice, and become *ſubjects* of this ſtate, and amenable to its laws, or, by neglecting to make ſuch election, relinquiſh all claims of right to property within this ſtate.

ENACTING CLAUSES.

1ſt. Real and perſonal property (debts excepted) of Britiſh ſubjects, reſidents of Great-Britain, and of inhabitants of Maryland, who ſince Auguſt 14, 1775, withdrew from, and deſerted the defence of this country, who ſhall not come into the ſtate, on or before the firſt of May, 1781, and within 20 days thereafter, take oath of fidelity &c. ſhall from and immediately after ſaid 20 days, be taken, veſted in, and poſſeſſed by commiſſioners, to be appointed by the legiſlature, and held and poſſeſſed by them as a pledge and ſecurity, *that juſtice be done by the king of Great-Britain, and his ſubjects, towards this ſtate, and the ſubjects thereof.*

2d. Commiſſioners to pay annually the profits of ſuch eſtates into the treaſury, to be applied to ſink and pay ſuch part of the new bills of credit, to be iſſued under reſolve of congreſs, of the 18th of March, 1780, as may be the juſt proportion of this ſtate.

3d. Such eſtates and property to be kept by commiſſioners, and the profits thereof applied, as aforeſaid, until the end of the war, or until the expiration of ſix years, from the 18th of March,

1780, and if war ſhall not end in ſix years, then ſaid eſtates and property to be ſold, and the product thereof applied to the diſcharge and payment of all debts, and demands (according to the true *ſterling* value thereof) due and owing by the *king of Great-Britain*, and his ſubjects, to this ſtate, or the ſubjects thereof, and the ſurplus to be applied to the payment of ſuch of the ſaid bills of credit aforeſaid, *as may be then in circulation*, and to ſuch other purpoſes as the legiſlature ſhall direct.

Proviſo.——British ſubjects, or reſidents of Great-Britain, if an infant, under 18 years, feme covert, or non compos, allowed *within ſix years* from the 18th of March, 1780, nine months after diſability removed, to come into the ſtate, and to take oath of fidelity, &c. Widow to have her dower or thirds, feme covert to have third part of the eſtate and property for life, to be aſſigned them at the time of taking ſuch property.

4th. Commiſſioners to ſell *periſhable* articles, found upon, or belonging to, or of the produce of ſuch articles, *at the time of taking the ſame*, and to render accounts thereof, and pay product thereof, into the treaſury, to be applied to the purpoſes aforeſaid, and accounts to be evidence of the value of ſuch periſhable articles.

5th No alienation, or transfer, *hereafter* made, by any *Britiſh ſubjects reſident of Great-Britain*, or by any perſons above deſcribed (abſentees or refugees) ſhall be valid in law, unleſs ſuch Britiſh ſubjects, &c. come to this ſtate, and take the oath of adelity, &c. within the time aforeſaid.

Proviſo.——Act not to effect or damage, 1ſt. any perſon, who hath ſince the 19th of April, 1775, been, or may be employed by United States, or any of them, and manifeſted his attachment to United States or any of them. 2d. Or any perſon who hath withdrawn from Great-Britain, with deſign to partake in the preſent revolution, and ſhall be certified by any miniſter of the United States, in Europe to be a friend to America. 3d. Or this ſuperſede, act to puniſh crimes, &c. (February ſeſſion, 1777, cap. 20) 4th. Or to prevent a trial of ſubjects of this ſtate, who have committed treaſon, or any other crime, againſt this or any of the United States. 5th. Or to relieve perſons liable to treble tax, impoſed by act for better ſecurity of government, (October ſeſſion, 1777, cap. 20) 6th. Or to confer on any perſon coming into the ſtate, in conſequence thereof, a right to hold any office of profit or truſt, under this ſtate, or to vote at any election, but ſuch perſons ſhall be for ever incapable of holding or exerciſing the ſaid privileges.

6th. Whereas, ſince the late happy revolution quit-rents have ceaſed throughout the ſtates, and it is inconſiſtent with the ſafety, liberty and independence, of this ſtate, to acknowledge any ſuperior or lord paramount, by continuing, reviving, or permitting quit-rent, to exiſt therein: *Be it declared*, that quit-rents have ceaſed, and of right ought to ceaſe, and be for ever aboliſhed

7th. Governor and council to tranſmit copies of act to the commander in chief, to be by him ſent to commander of Britiſh army at New-York, and alſo to our delegates in congreſs, to be by them ſent to the miniſter of the United ſtates, in France, that he may tranſmit the ſame to Great-Britain, to the end that all, who may be thereby affected, may have notice thereof.

For the MARYLAND GAZETTE.

I HAD occaſion, ſome time paſt, to collect together, for the amuſement of the public, a number of paradoxical poſitions, which were ſcattered here and there in the different numbers of the *Senator*, and which ſeemed to have been intended by the author to amuſe and divert the public, and to ſhew his wit and ingenuity. The *Detecter*, in the laſt Baltimore paper, appears to have copied after the *Senator*, and, in truth, to have improved upon the original, being more rich and *profuſe* in his paradoxes, conſidering the brevity of his performance. For the entertainment of the curious, I have ſelected ſome of them, which may be found in the *Detecter*, either in expreſs words or by direct inference.

1. Although the *Independent Whig* ſhould prove the property of Britiſh ſubjects in general, liable to confiſcation, if he cannot prove that the property of abſentees is alſo liable, he might as well have ſaved himſelf the trouble.——And yet the far *greater part* of the property, in diſpute, was *not* formerly owned by *abſentees*, nor was the oppoſition of the ſenate, at their laſt ſeſſion, or the *Senator*'s arguments, againſt confiſcation, *confined* to the caſe of *abſentees*, but to Britiſh ſubjects in general.

2. To vindicate truth and detect the errors of the Senator, is *want of candour*.

3. Admitting that the *operation* of the common law, upon the declaration of independence, *actually did veſt*, in the ſtate of Maryland, a right to the eſtates of the abſentees, yet that *operation* was *ſuſpended*, by the delay of the ſtate, and its neglect to take immediate poſſeſſion.—That is, the delay of doing a ſubſequent act, *ſuſpended* an *operation*, which had *actually taken place*, and which, in the nature of things, muſt have actually taken place, before the *ſubſequent act* could *juſtly* be done.

4. A delay or neglect to *exerciſe* a right, *ſuſpends* the right itſelf, or, in other words, an omiſſion for a time, to perform a *lawful* act, *ſuſpends* the *lawfulneſs* of performing that act.

5. Property muſt be taken poſſeſſion of at the ſame individual moment, in which the right to it accrues, or the right ceaſes and is extinguiſhed.

6. An act of aſſembly, the intent and deſign of which were to impoſe diſadvantages, greater than thoſe which the perſons were ſubject to before, ſhall, by *implication*, take away thoſe very diſadvantages to which they were before ſubject, and beſtow upon them *privileges*, from which, by the *common law*, they were precluded.—But this conſtruction is to be confined only to thoſe caſes where our enemies are intereſted.

7. Eſtates may be granted by implication, but this is alſo confined to eſtates granted to our enemies.

8. Thoſe rights which are actually veſted in the ſtate by common law, an act of aſſembly may take away, without any expreſs words for that purpoſe, but merely by implication:—provided always, that ſuch interpretation may injure the public and benefit our enemies.

9. Admitting the legiſlature *thought* the abſentees ſubjects of this ſtate, their erroneous opinion *made* them ſubjects, ipſo facto, without any enacting law for the purpoſe;—and this is perfectly agreeable to the old maxim, "*credo quod habes, et habes.*"

10. Admitting the legiſlature, through ignorance or inattention, *ſuppoſed* aliens entitled to the rights of ſubjects, until september laſt, this miſtake ſuperſeded the common law, and *actually gave* them the rights of ſubjects.

11. The ignorance and error of a legiſlative body have the ſame validity and authority as an act of aſſembly, and are ſufficient to alter the common law, but this only in favour of our enemies.

12. The rights of ſubjects may be granted to aliens by implication.

13. The legiſlature, by implication conceiving aliens to be ſubjects of this ſtate, have made them ſuch in reality.

14. If the abſentees were aliens before the "treble tax law," they were naturalized by that law; or, in other words, *naturalization* conſiſts in impoſing a treble tax and other diſabilities.

15. A declaration of the terms upon which aliens may be naturalized, and become ſubjects of this ſtate, doth *actually* naturalize, and render them ſubjects, *before they comply with thoſe terms.*

16. Aliens may be *made* ſubjects of this ſtate *without* their *conſent*, and *contrary* to their *inclination*, although by being made ſubjects, they would be bound in allegiance to the ſtate, and liable to the puniſhment of treaſon for a breach of that allegiance.

17. Although the property of the *innocent* ſubjects of Great-Britain may *juſtly* be confiſcated, as far as neceſſary to compenſate the damages and expences of the war, yet it would be *unjuſt* to confiſcate the property of abſentees, who are *criminal* ſubjects of that nation, having made themſelves a party in her guilt.

18. An act of aſſembly appointing perſons to ſeize upon property for the uſe of the ſtate, to which property, by the common law, a right is already veſted in the ſtate, is an ex poſt facto law.—Or in other words, an act of aſſembly, which *renders nothing criminal, nor inflicts any puniſhment*, doth notwithſtanding both render *criminal*, and *puniſh*, that which was *not criminal before.*

19. To expoſe the pernicious doctrines maintained by the *Senator*, to burleſque his arguments, and to ridicule his folly and ignorance, is called by the *Detecter*, arrogance, buffoonery, and a brow-beating of that gentleman.

I doubt not the public will join with me in admiring the ingenuity of this writer. I think he bids fair in a little time, if he meets with proper encouragement, to be fit for a *Senator*; yet it were to be wiſhed that he would chooſe out ſome other ſubject, when he is in a witty mood, for the diſplay of his paradoxical abilities. "*Ne nuga in ſeria ducunt.*" This trifling may be attended with ſerious conſequences: a *weak* mind may poſſibly ſuppoſe him in earneſt, and make the foundation of their conduct thoſe whimſical poſitions, which he can only intend as a ſpecimen of his wit.

PUBLICOLA.

Baltimore town, April 18.

To the PRINTER of the MARYLAND GAZETTE.

SIR,

I AM unacquainted with the art of writing a news-paper, though I believe there are few who take ſo much pleaſure, or are more conſtant in reading them, than I am. This propenſity in me is owing to a moſt violent turn I have towards politics, which you will perhaps ſay is not a little extraordinary in one of my kind: for a proof of this, I can with truth aſſure you, that not one of thoſe performances, of which your paper of late has furniſhed ſuch abundance, has eſcaped my diligent peruſal. I hope I ſhall not be underſtood to mean any reflection on the productions, when I make this aſſertion; as I intended to hint, that it requires a ſtrong appetite for thoſe matters to induce a perſon to undertake and perform ſuch a taſk. On the contrary, it is my opinion that much entertainment and inſtruction may be drawn from them, if read with attention, and viewed in their true and proper light. Indeed I ſhould have been a poor opinion of that man's patriotiſm, as well as taſte, who would not ſeize with alacrity, ſuch an opportunity to get a thorough inſight into the ſcience of politics, and to improve his zeal for the intereſt and welfare of his country.

I mean not to impoſe myſelf on the world for a great patriot: the Senator, and Independent Whig, are equally indifferent to me. My zeal hath always prompted me to place my chief dependence on my own *noſe*, and not merely the *bark* to the *cry* of others; this is well known to every member of the *pack*, with which I am connected. I ſhould not have informed you, Sir, of this circumſtance, but that I have obſerved it is the general practice of authors, on their firſt appearance in the news-papers. I ſuppoſe it is done, leſt their principles and conduct might be miſtaken from ſome fancied obſcurity in their performance, or a miſconſtruction of what they advance.

I muſt now acquaint you Sir, that I was compelled to adventure on this arduous undertaking, by ſome illiberal reflections, caſt on a ſet of gentlemen, with whom I have the honour to be cloſely connected, by an author in your paper, who uſes the ſignature of Finis. I ſhall not trouble myſelf to enquire *who* that writer is, his performance evidently diſcovers *what* he is. I can aſſure him that the gentlemen whom he has made a feeble effort to vilify, are out of the reach of his abuſive pen, and that their frequent viſits to the *woods*, have freed their minds from any alarm, at the appearance of an *owl*.

I cannot forbear giving him due credit, for his brilliant a diſplay of wit, in his account of that elegant, and inſtructive performance, ſtiled the Senator. I have always thought that the means by which it was produced, were out of the common way of effecting ſuch matters; and were I not excluded by nature from the privelege of laughing, I am confident his humorous account of that uncommon production would have had a moſt forcible effect upon my riſible faculties. For it may truly be ſaid of it, in the words of a vulgar phrate "it is enough to make a dog laugh."

My reading, in books, hath been very confined, particularly in the claſſics. Apollo's commiſſion to the *tabby breed* I was totally unacquainted with till now; in truth, my reſearches have been otherwiſe directed, as *rats* are a kind of game, I never purſued: but if we may believe that gentleman's aſſertion, his command over that breed, is as extenſive, and abſolute, as ever the god of wiſdom poſſeſſed. He threatens to turn thouſands looſe upon the poor devoted rats, ſo that we may expect our country will in a ſhort time, like the iſland of Samos, be entirely depopulated of that pernicious animal, to the inexpreſſible ſatisfaction of every good houſewife in the land.

Ye flitches, jowls, and bacon-hams, rejoice,
To mighty Finis raiſe your grateful voice;
And you, ye cheeſes, join the happy throng,
Join flitches, jowls, and hams, in joyful ſong.

I obſerved to you in the beginning of this, that my mind had a ſtrong bias to politics; an anxious concern for the welfare and happineſs of my native land is the cauſe of it; to a temper thus diſpoſed, whatever has the appearance of effecting her good, muſt afford ſincere pleaſure. I aſſure you, Mr. Printer, that I have met with nothing either in, or out of your paper, which hath given me ſo much real ſatisfaction, as the promiſed exertions of this great political Ninrod; for by his means, I earneſtly hope our country will be freed from the deſtructive *vermin*, which at preſent infeſt it.

OLD PORTIUS.

From the kennel in Annapolis,
April 21, 1780.

To CENSOR.

FROM the general complexion of your ... publication, and ſome remarkable expreſ... in it, I think I can diſcover your drift. ... defence of the celebrated gentleman, as ... file him, whoſe character you undertake to ... dicate, if I am not very much miſtaken, is ... ant to have a contrary effect: but, Sir, ... ough you may deride thoſe principles and ... ſons which you have adduced in his juſtifica... , I can aſſure you, from my moderate know... ge of political characters, that his conduct ... y be ſupported by many eminent authorities ... record; but more effectually by numerous ... ſtances in modern practice, which ſtill remain ... recorded, and only await the leiſure of ſome ... le, and impartial hand, to diſplay their merits, ... d give them their proper weight. Cuſtom and ... recedent compoſe the chief, and moſt valuable ... rt of the law of the land, and why a man's ... haracter may not as ſecurely be held under the ... tle of common uſage, as his other poſſeſſions, I ... all leave you to determine.

VINDEX.

To the PUBLIC.

CONSIDERED the ſeizure and confiſ... cation of Britiſh property as a matter of very ... reat importance to the ſtate, at the time when ... e queſtion was firſt agitated by our legiſlature; ... ut the late reſolution of congreſs (march 18 ... ſt) rendering neceſſary an *immediate ſpecific ...*, ſufficient to give credit to our ſhare of the ... *ew bills*, propoſed to be emitted, have made it ... ſtill greater moment. The Britiſh property ... hich, I contend, upon the declaration of in... dependence and the formation of our new go... ernment, veſted in this ſtate) if taken into ... oſſeſſion, and appropriated, would be an imme... iate fund, abundantly adequate for ſinking of ... oſe bills, and alſo, for the redemption of the ... ate currency, which we have already in circu... ation; and conſequently would relieve the inha... itants of Maryland, from thoſe burthenſome ... nd grievous taxes, which otherwiſe muſt be ... mpoſed upon them. Our grateful thanks are ... ue to heaven, for having put the means of pro... iding ample funds for our new emiſſions, in our ... ower; and it is a matter which ought to excite ... ur grief, if not our reſentment, that all this ... enefit ſhould be entirely loſt to us, by the con... uct of a few individuals, whom, notwithſtand... g *appearances*, I cannot ſuſpect to be *totally re... ardleſs* what calamities they bring upon the ... ublic, or to what diſtreſſes they reduce the ... aithful ſubjects of this ſtate; provided they can ... ave the property of a ſet of men, who have not ... ſingle circumſtance to recommend them to our ... avour or compaſſion; wretches, who had not ... ne ſpark of the love of liberty in their boſoms ... o be kindled into a flame by the united exer... ions of America! who baſely abandoned her in ... er day of diſtreſs; who turned their backs upon ... er in the hour of her danger! who of their ... oluntary choice, withdrew to our enemies, ... dded to them all their weight and influence, ... nd, as far as their cowardly fears would permit ... hem, have actually waged war againſt us! Shall ... he inhabitants of this ſtate be-loaded with taxes, ... hat the *abſentees*, after the conteſt is over, after ... America ſhall have eſtabliſhed her independence, ... may return back, take poſſeſſion of their former ... eſtates, deride our ſufferings, and, by diſſemi... ating their ſlaviſh principles, prepare us again ... o paſs under the yoke of Britiſh bondage! Shall ... he brave ſoldier, who has ſacrificed his domeſtic ... eaſe and felicity, who has ventured his life, ... worn out his health, and exhauſted his fortune, ... n the defence of his country; ſhall the virtuous ... dvocate of the rights of mankind, the diſinter... ſted and zealous aſſerter of liberty, who has ... preferred the good of the community, to every ... conſideration of private intereſt; as a reward ... for all *their* ſufferings and ſervices, ſhall their ... eyes be blaſted with the ſight of the *moſt worthleſs* ... of our enemies, invited and received into the ... *boſom* of the ſtate, which, ſerpent like, they ... endeavoured to deſtroy! Is there a breaſt which ... does not glow with indignation at the thought! ... Yet ſuch, ye whigs of Maryland, ſuch, in all ... human probability, will one day be the caſe, ... unleſs you rouſe yourſelves from that lethargy in ... which you ſeem to be ſunk, and unite yourſelves ... in the moſt vigorous exertions to prevent it; for ... the myſtery is at length revealed; the bill for ... the ſeizure of Britiſh property was rejected by ... the ſenate to *ſcreen the eſtates of the abſentees*, and ... not only *the abſentees*, but all other Britiſh ſubjects, ... our cruel and inexorable enemies, were invited ... and bribed, by the bill propoſed by that honour... able body, to come and live amongſt us*.

* *The act for the ſecurity of this ſtate and the ſubjects thereof, &c. propoſed by the ſenate and re...jected by our delegates, five members only, to wit, Charles Ridgely, James Jordan, Benjamin Hall, Benjamin Bradford Norris, and Matthew Driver, giving their voice in favour of it.*

In the courſe of theſe papers I have endeavoured to prove, that the property of Britiſh ſubjects, although perſonally unoffending, may, conſiſtent with every principle of the law of nature, of nations, and of the common law, be ſeized and appropriated for reparation of the damages and expences of the war; I will now examine the caſe of the abſentees †; and in doing this ſhall of courſe indulge *the Detector* ‖ in an immediate and unequivocal anſwer to the queries he has addreſſed to me, the reſult of which, I flatter myſelf, will be, that the candour of the Independent Whig will ſtand fair and unimpeached, and the *Detector* himſelf be *detected* of groſs ignorance, or a wilful deſign to deceive and impoſe upon the public.

The abſentees, as well as the other inhabitants of the late colonies, were, before the declaration of independence, and the ſubſequent formation of our new governments, ſubjects of Great-Britain, as I have already had occaſion to obſerve. The *Senator* has laboured to eſtabliſh, that he, who was once a ſubject, muſt ever remain ſo, notwithſtanding any events which might afterwards happen; I may venture to aſſert, without fear of contradiction, that all thoſe, who were once ſubjects of any kingdom, continue to be ſubjects of the ſame, until by ſome ſubſequent act they diveſt themſelves of that relation; I will alſo lay it down, as a poſition uncontrovertible, that upon the inſtitution of a new ſtate, no perſon can be a ſubject thereof, unleſs he is *born* therein *after* its inſtitution, or by ſome *act of his own*, has *become* a ſubject, as by joining in the formation of the ſame; continuing or coming to reſide therein when formed; entering into its ſervice, or ſome other ſuch act. *The abſentees* were not *born* ſubjects of this ſtate, but of the Britiſh empire. They had no ſhare in the formation of our new governments, or in thoſe acts by which Maryland became a free and independent ſtate; on the contrary, they baſely withdrew from us, or yet more baſely impeded all our meaſures, and laboured to prevent our ſeparation from Great-Britain. They have not aſſented to our government by continuing to reſide in it, when formed; for they fled from us, either before, or upon its formation. They have not entered into the ſervice or employment of this, or any of the United States; on the contrary, they have joined themſelves to our enemies, they have added their weight and influence, ſuch as it is, to the government of Britain. They were born ſubjects of the Britiſh empire, they have not, by any act of their own, diveſted themſelves of that relation. *They* were here on the ſpot; there is not one ſingle circumſtance to extenuate their conduct; it was their *deliberate* choice to forſake their virtuous brethren, who were exerting themſelves in the defence of every thing, which ought to be dear to men; nay, *many of them*, before they departed, had uſed every artifice to render unſucceſsful thoſe our exertions; *many of them* had been inſtrumental in bringing our miſortunes upon us. By thus withdrawing to our enemies, they, in the moſt explicit manner, declared their *approbation* of all the arbitrary, tyrannical meaſures of the Britiſh *government*; they thereby *aſſented* to its iniquitous acts, and made themſelves a *party* in its guilt. They choſe to riſque thoſe eſtates, which they left behind, rather than to countenance our reſiſtance, by ſtaying among us; for they had no hopes of enjoying them in future, but what originated from their expectation and deſire, that the Britiſh arms would be crowned with ſucceſs, and America proſtrated at the feet of oppreſſion. They never could have entertained the moſt remote idea, that there would be *one ſingle whig* in this ſtate, who would ever give his voice to ſtrip the public of its juſt rights to beſtow them on our bittereſt and moſt implacable enemies, who openly avowed their attachment and affection to Britain, and their animoſity and hatred to us.

No doctrine can be better eſtabliſhed, nor can any truth be more clear and ſelf-evident, than that the *abſentees* are ſubjects of Great-Britain, and *not* ſubjects of this ſtate; ſubjects of Great-Britain, becauſe they were *born ſuch*, and ſo far have they been from *diveſting* themſelves of that relation, that they have *expreſſly* and *poſitively* elected to continue it; not ſubjects of this ſtate, becauſe they *were not born* ſubjects of it, and by no *act of their own* have *become* ſuch; and if they are not ſubjects of this ſtate, they are aliens, and, in conſequence of the preſent war, alien enemies, as has been before ſufficiently proved. Hence then it neceſſarily follows, that every principle, I have already eſtabliſhed, with reſpect to Britiſh ſubjects in general, is equally applicable to *the abſentees* in particular, and that this ſtate has an undoubted right to ſeize upon all their property, whether real or perſonal; their *perſonal* property for compenſation of the damages and expences of the war; their *real* property for the ſame reaſon, and *alſo* becauſe aliens are incapable to hold or inherit real property here, even in time of peace.

I contend that, by the operation of the common law, *the abſentees*, immediately upon the declaration of independence, and the formation of our new government, were diſabled to hold property in this ſtate, and that, upon thoſe events, the *right* to all their property *veſted* in this ſtate; but that this operation of the common law was ſuſpended by the delay of the ſtate to take immediate poſſeſſion of the property in queſtion, is a conceit too ridiculouſly abſurd to be *ſeriouſly* entertained. The operation of the common law was complete immediately upon our forming our new government; the operation of the common law was to give the ſtate a *right* to the property of *the abſentees*, and other Britiſh ſubjects. This property muſt have been veſted in the ſtate *before* it could have juſtified the ſeizure and appropriation of it; the operation of the common law was *completed*, by veſting this right. The ſtate might ſuſpend the exerciſe of the right, to wit, the actual ſeizure and appropriation of the property, as long as it ſhould think proper, but this *delay of the exerciſe*, would not be either a *ſuſpenſion* or *extinguiſhment* of the *right itſelf*; the right would ſtill remain in full force, of which the ſtate might avail itſelf whenever its circumſtances ſhould make it eligible, or its exigences render it neceſſary.

AN INDEPENDENT WHIG.

Baltimore-town, April 19.

† *In my former numbers I confined myſelf to prove that the property of Britiſh ſubjects in* general, *although perſonally unoffending, was liable to be ſeized by the ſtate. If I eſtabliſhed that point, I had no idea that any doubt would be made; among* whigs at leaſt, *of the propriety of ſeizing the property of thoſe Britiſh ſubjects who are called abſentees, who may with the* ſtricteſt juſtice, *be conſidered among the* guilty *and* criminal *ſubjects of that nation; but as I find the arguments in the ſenate turned in a great meaſure upon the caſe of the abſentees, and as that honourable body ſeems to have given them a very warm place in their affections, I have been induced to enter into an inveſtigation of the ſubject, as it relates to the abſentees in particular.*

‖ *A writer under that ſignature, in the Baltimore advertiſer of April 18.*

LONDON, *Jan.* 18.

THE Dutch are exceedingly enraged at our taking and detaining their ſhipping; various letters by the laſt mail make no ſecret of announcing the certainty of an open rupture with that republic: however, politicians here know the Mynheers dare not ſhew their teeth, unleſs ſupported and protected by the Pruſſian monarch.

Feb. 7. Advice is juſt received that two French man of war, one of 60 and the other of 54 guns, are totally loſt in a gale of wind off the Canary iſlands.

We are aſſured that a new treaty of alliance and friendſhip is now negociating, and nearly concluded between the court of Berlin and the States general.

The miniſtry are abſolutely determined no longer to keep meaſures with the Dutch, ſhould they perſiſt in furniſhing our enemies with warlike ſtores.

PHILADELPHIA, *April* 18.

Extract of a letter from a gentleman at St. Euſtatia, dated March 22, 1780.

"You I ſuppoſe know long ere this, of a free trade having been demanded, and obtained, by the people of Ireland, but with this it ſeems they are not fully ſatisfied, and now talk loudly of a *free conſtitution*, which it is poſſible, however inſolent ſuch language may now appear, they may one day or other be gratified in.

"The Engliſh fleet under admiral Rodney, bound to the relief of Gibraltar, have had great ſucceſs, as you will find by the incloſed liſt of Spaniſh ſhips taken and deſtroyed, the 8th and 16th of January, the account of the latter had not reached England when the laſt packet ſailed, ſhe happened on her paſſage to fall in with Rodney, from whom the account is taken, who was then making the beſt of his way for Barbados with a few ſhips, having ſent Digby forward to Gibraltar with part of his ſquadron, and Sir Lockhart Roſs to England with the prizes.—A fleet of 25 ſail of the line, with a number of tranſports, have undoubtedly ſailed from Breſt, and the greateſt part of them are ſuppoſed to be bound for Martinico, and I hope are arrived, ſo that the enemy, inſtead of recovering any of the iſlands they have loſt the laſt campaign, will have ſufficient employment in protecting thoſe they poſſeſs."

ANNAPOLIS, *April 20.*

The general court for the western-shore, which was to have been held on the second Tuesday in May, is adjourned by an act of assembly for that purpose, to Monday the twenty-second of the same month.

A letter from Charles-town of the 23d ult. advises, that the enemy are still on the islands, and have intrenched themselves strongly upon James's island, and made several batteries along the river side towards Charles-town; that 12 ships are come over, a 64, 2 50, 2 44, 4 frigates, and 5 other armed vessels; that they are every hour in expectation of an attack, which it is supposed will be as desperate as the defence. That a Spanish fleet upon their passage there is said to be compoted of 4 ships of the line, 3 frigates, and 6000 land forces.

*** *This Gazette, No. 1737, terminates the year with all subscribers to it. The printers are under the necessity of informing their customers, that the uncertain value of the paper currency obliges them to demand, from this date, 12/6 hard money the year, or paper at the exchange; those persons, therefore, who do not think proper to continue subscribers, will give them early notice.*

SILVER-TAIL

WILL cover this season at Tulip-Hill for three guineas. Country produce or continental currency will be received for the value at the time paid. J. Galloway

Silver-Tail was got by Old Tanner, his dam by Selim, his grand dam by Panton's Arabian, his great grand dam by the Godolphin Arabian, his great great grand dam was Mr. Panton's famous Witherington mare; he is a fine bay, fifteen and a half hands high, with great bone strength and beauty. Good pasturage for mares at five pounds per week, and care will be taken of them. 1 (ow)

LEONIDAS,

A most beautiful blood bay, full fifteen and a half hands high, of a remarkable stout and handsome form,

WILL stand the ensuing season at Abingdon, near Alexandria in Virginia, and will cover mares at four pounds Virginia currency the season, to be paid in specie, or four hundred weight of tobacco, or an equivolent to either in continental currency. The money is expected when the mares are brought to the horse, otherwise they will not be covered.

Leonidas is six years old this grass, in perfect health, and has never received the smallest injury. He was got by colonel Lloyd's Traveller, who was got by Morton's Traveller, his dam the thorough bred imported mare Jenny Cameron. Leonidas's dam was got by Morton's Traveller, his grand dam Selima by the Godolphin Arabian.

Good pasturage will be found only for those mares which may come from a distance, and particular care taken of them, but will not be answerable for escapes. (ow)

I. P. CUSTIS.

10 50 Dollars

Saint Mary's county, April 7, 1780.

A PETITION will be offered to the first session of assembly after this notice has been published eight weeks, for an act to admit the recording and to give effect from the date to a deed executed in this county, by Philip Read and Anne his wife, to George Medley, for a tract of land lying in Medley's Neck, in the county aforesaid. Dollars

1 w3 GEORGE MEDLEY.

Plum-point, Calvert county, April 15, 1780.

THE subscriber has taken a boat up in the bay, about 14 or 15 feet keel, much wreck'd. The owner may have her on proving property and paying charges.

10 50 Dollars RICHARD ISAACKE.

Kent-Island, April 10, 1780.

TAKEN up adrift this day in Chesapeak bay, a large lighter, forty feet long and about twelve feet wide; she appears to be old, but seemingly sound and clear from any perceivable leak, had nothing in her, only the appearance of brick dust, as if she had been lately used in carrying bricks. The owner is requested to apply for further particulars to,

3 w AQUILA BROWN.

10 50 Dollars

WHEREAS, colonel Edward Sprigg, late of Prince-George's county, deceased, having, by his last will and testament, directed his executrix to sell and dispose of part of a tract of land, lying in Frederick county, called, Addition to Piles's Delight, before the first day of June after his decease, for the payment of his debts; and whereas his executrix, through sickness and inability of body, could not attend so as to make sale thereof by the time limited in the said will, she hereby gives this public notice, that after a continuance of this advertisement eight weeks in the public papers, she intends to petition the general assembly for an act empowering her now to dispose of the said land, in order to enable her to make a final settlement of the estate of the said testator.

8 w MARY PINDELL, executrix.

A PETITION will be offered to the first session of the general assembly after this notice shall have been published eight weeks, for an act to empower the subscriber (now a minor) to make a good and sufficient deed of conveyance for certain tracts of land lying in Charles county, which he inclines to make sale of.

6 8w HARRISON MUSGRAVE.

Somerset county, April 4, 1780.

NOTICE is hereby given, that I intend to petition the next general assembly, for a road to lead from the main road leading from Princess-Anne to the lower ferry, to the plantation whereon David Megrath formerly lived, and now in the possession of

4 8w MARY WAGGAMAN.

Annapolis, March 30, 1780.

THE COMMITTEE of GRIEVANCES and COURTS of JUSTICE will sit to do business in the committee room, every day, from eleven in the forenoon till four in the afternoon, during the present session of the general assembly.

Signed by order of the committee,

5 A. GOLDER, clk. com.

April 19, 1780.

THE subscribers being appointed by Prince-George's county court to examine the records of the said county, give notice, that they will attend at the court-house in Upper-Marlborough, on every Wednesday, till the 20th of August next, in order to examine all such deeds, &c. as may be offered them.

2 w3 DAVID CRAUFURD, SAMUEL HEPBURN.

OVID,

A beautiful, high formed well bred horse, sixteen hands high, raised by William Fitzhugh, Esq; (of Marmion) and from whom he was lately purchased,

STANDS this season at my plantation near St. Piccawaxen church, and will cover mares at one hundred pounds the season, if paid by the first of August, if not 300lb. tobacco must be paid in lieu thereof by the first of January. Ovid was got by Aristotle, as high a bred horse as any in America, his dam by colonel Tasker's old Othello, his grand dam by the famed and high bred imported horse Monkey, well known for his activity and goodness on the turf, his great grand dam by the late secretary Carter's imported horse Pompy. I have good pasturage gratis for those who live at a distance, and great care shall be taken of all mares left, but will not be answerable for escapes or other accidents.

3 WILLIAM COURTS.

FIFTY POUNDS REWARD.

Head of Severn, Jan. 17, 1780.

STOLEN from the subscriber, on Thursday morning the 13th instant, a coat, jacket and breeches, a pair of mittens, a comb, an ax, some powder in an osnaburg bag, and shot in a leather one. They were stolen by one PATRICK RILEY, an Irishman, about 5 feet 10 inches high, has yellow hair, a dark brown country cloth coat and breeches, and a whitish jacket, the breeches have a hole torn in the thigh; he has a cast in his eyes, a full red face, and very large limbs. He has a pass, which mentions his having had one from the governor of Virginia, which he lost, and that he is a deserter from the British army; he had with him a white bitch, with yellow spots, short ears and tail. Whoever will secure the said Riley so that he be brought to justice, shall receive one hundred dollars if taken in the county, and if out of the county the above reward, paid by

10w JOHN M'COY.

Prince-George's county, St. Paul's parish, March 3d, 178

WANTED a clergyman of the church of England. Any gentleman who will apply and approved by the vestry, they will engage to give annually twenty thousand pounds of tobacco, and the use of a small glebe.

Signed per order,

9 (ow) LEONARD WARING, regis.

April 12, 1780.

TAKEN up adrift, last Easter, in Sout river, a large pine canoe 27 feet long, 2½ feet in the clear, with 4 row-locks, and a large locker in her stern; she has been cruck and has eight knees in her sides and one in head, with a rope painter. The owner may have her again on proving his property and paying charges.

2 w3 FRANCIS WAYMAN.

BADGER

COVERS at Mr. Ogle's plantation, near Annapolis, at two hundred pounds the season and eight dollars the groom. He is fifteen hands one inch high, a dark gray, and allowed by judges to be a fine horse. He was got by governor Eden's Badger, his dam by Samuel Galloway, Esquire's Selim, his grandam (an imported mare) by Spot, his great grandam by Cartouche, his great great grandam by Old Traveller, his great great great grandam by Sedbury, his great great great great grandam by Childers, out of a barb mare.

Governor Eden's Badger was got by Chedworth's Bosphorus, who won seven king's plates, his dam by Othello, commonly called Black and all Black, who beat lord March's Bajazet over the Currah of Kildare, his grandam by the duke of Devonshire's Flying Childers. Badger won the fifty at Guilford, and got lame at Epsom, the only times he started.

Good pasturage for mares at five pounds a week, but I will not be answerable for any that may be lost.

No mare will be received, unless the money is sent with her.

6w 4 G. WATKINS.

NOTICE is hereby given, that by an act of assembly made and passed at a session of assembly of the state of Maryland, begun and held at the city of Annapolis, on the 8th day of November, 1779, the bills of credit, dated January 1, 1767, omitted and made current by an act of assembly, passed November session, 1769, are directed to be brought in and deposited with the western shore treasurer, on or before the first of June next, or thereafter irredeemable; for which the holders of said bills of credit may, at their option, receive either bills of exchange drawn on the trustees of said state at London, or state loan office certificates, bearing an annual interest of six per cent. But as the bills of exchange, or any of them, to be drawn in virtue of said act, shall not be paid, the same shall be renewable, but neither the drawer, or any indorser thereof, shall be answerable for, or liable to pay, any damages thereon, other than the charges of protest. 8

N. B. The printers in the adjacent states are requested to insert the above in their respective papers.

WANTED IMMEDIATELY,

in the city of Annapolis,

A PERSON properly qualified to undertake the tuition of youth, in Latin, Arithmetic, and to read and write English. It is proposed to create a fund for his support, which is intended to be very liberal, and every way adequate to the times; the expences of his board will be defrayed, and a school-house found. The number of pupils not to exceed twenty.

A proficient in the classics is most desirable; yet should no such one offer himself in some short time, any person of a good character, well qualified in the other branches above enumerated, will be accepted. Apply to

3 ELIE VALLETTE

THERE is at the plantation of Stephen Rawlings, taken up as a stray, a small bay mare, about seven years old, is neither docked, nor has any perceptable brand or other mark, about 13 hands high. The owner may have her again on proving property and paying charges. 2 w3

LAWS of MARYLAND, passed at a November session, 1779, may be had at the printing-office. 4

ANNAPOLIS: Printed by FREDERICK and SAMUEL GREEN, at the Post-Office in Church-Street.